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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/021,049

**Applicant(s)**

HOLT ET AL.

**Examiner**

Gerald Gauthier

**Art Unit**

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10/01/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-63 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 10.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. **Claims 1-63** are rejected under 35 U.S.C. 103(a) as being unpatentable over Gardell et al. (US 6,031,896) in view of Girard (US 2001/0036176).

Regarding **claim 1**, Gardell discloses a real-time voicemail monitoring and call control over the Internet (column 1, lines 27-30), (which reads on claimed "a method of allowing a subscriber to monitor a caller's recording to a network-based voice messaging service"), said method comprising:

detecting a call (column 4, line 40 "a call") at a switch (80 on FIG. 2) serving the subscriber (column 4, lines 31-43) [The calling party at a first telephone device attempts to contact the called party];

routing the call from the switch to a network-based voice messaging server (350 on FIG. 5) (column 7, lines 9-18) [The call control service entity first routes the call to the voice mail intercept service terminal]; and

conferencing a packet-switched telephony client (310 on FIG. 5) into the call, wherein said packet-switched telephony client is associated with the subscriber (column 7, lines 22-33) [The voice mail intercept service terminal creates a three-party call among the calling party, the called party and the voice mail service terminal].

Gardell fails to disclose a conference server.

However, Girard teaches a conference server (1 on FIG. 1), said conference server being in a packet-switched data network (§ 0026) [The telephony application server has a network element to allow it to connect to an IP network and able to run more than one telephony application programs].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the telephony server of Girard in the invention of Gardell.

The modification of the invention would offer the capability of multiple telephone application such as the system would have telephony service interface to software switch control.

Regarding **claims 2, 15, 17, 21, 31 and 43**, Gardell discloses checking a presence database to determine an availability for the subscriber on the packet-switched data network (column 4, lines 44-50).

Regarding **claims 3, 45 and 54**, Gardell discloses receiving a registration message from the packet-switched telephony client, wherein said registration message includes the availability for the subscriber (column 5, lines 64-66).

Regarding **claims 4 and 55**, Gardell discloses placing a second call from the conference server to a telephony device according an instruction received from the packet-switched telephony client (column 7, lines 22-33).

Regarding **claims 5, 56 and 62**, Gardell discloses wherein the telephony device is a telephone (100 on FIG. 2).

Regarding **claims 6, 9 and 57**, Gardell discloses removing the network-based voice messaging service from the call on the conference server according to the instruction received from the packet-switched telephony client (column 7, lines 22-33).

Regarding **claims 7 and 58**, Gardell discloses wherein data packets transmitted from the packet-switched telephony client to the conference server do not include data representing audible speech (column 7, lines 22-33).

Regarding **claim 8**, Gardell discloses wherein data packets transmitted from the conference server to the voice messaging server do not include data representing audible speech originating from the packet-switched telephony client (column 7, lines 22-33).

Regarding **claim 10**, Gardell discloses wherein the step of routing the call from the switch to the network-based voice messaging service through a conference server comprises:

routing the call from the switch to a media gateway, wherein said media gateway is in the packet-switched data network (column 4, lines 31-43);

sending a message from the first media gateway to a call agent, wherein said message includes at least a called party information, and wherein said call agent is in the packet-switched data network (column 6, lines 44-55);

sending a message from the call agent to an application server, wherein said message includes at least a portion of the called party information, and wherein said application server is in the packet-switched data network (column 6, lines 44-55);

sending an instruction message from the application server to the call agent, wherein said instruction message includes at least a portion of the called party information (column 6, lines 1-10);

sending an allocation message from the call agent to the conference server, allocating a conference resource on the conference server (column 7, lines 22-33);

connecting the conference resource to the call (column 7, lines 22-33); and

connecting a second call from the conference server to the network-based voice messaging service and connecting to the call (column 7, lines 22-33).

Regarding **claim 11**, Gardell discloses determining a network address for the packet-switched telephony client, said determination based at least in part on the called party information (column 6, lines 44-55);

sending an invitation to the packet-switched telephony client, said invitation addressed to the network address (column 6, lines 44-55);

providing the network address to the conference server (column 6, lines 1-10);  
and

connecting a voice path from the conference resource to the packet-switch telephony client based on the network address (column 7, lines 22-33).

Regarding **claims 12, 36 and 46**, Gardell discloses wherein the packet-switched data network is an IP network (column 4, lines 8-30).

Regarding **claim 13**, Gardell discloses a real-time voicemail monitoring and call control over the Internet (column 1, lines 27-30), (which reads on claimed “a method of allowing a subscriber to monitor a caller's recording to a network-based voice messaging service”), said method comprising:

connecting the caller (column 4, line 31 “a calling party”) to the network-based voice messaging service via a media gateway (70 on FIG. 2), wherein said media gateway interfaces a telephony network (PSTN on FIG. 1) and an IP network (40 on FIG. 1) (column 4, lines 31-43) [The calling party at a first telephone device attempts to contact the called party and the switch is configured to forward calls to the gateway]; and

connecting a packet telephony client (310 on FIG. 5) to a communication path (column 7, line 25 “a three-party call”) shared by the caller and the network-based voice messaging service, wherein said packet telephony client is in communication with the IP network (column 7, lines 22-33) [The voice mail intercept service terminal creates a three-party call among the calling party, the called party and the voice mail service terminal].

Gardell fails to disclose a conference server.

However, Girard teaches a conference server (1 on FIG. 1), wherein said conference server is in communication with the IP network (¶ 0026) [The telephony application server has a network element to allow it to connect to an IP network and able to run more than one telephony application programs].



It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the telephony server of Girard in the invention of Gardell.

The modification of the invention would offer the capability of multiple telephone application such as the system would have telephony service interface to software switch control.

Regarding **claim 14**, Gardell discloses wherein the packet telephony client comprises a user interface adapted to receive call processing instructions from a subscriber and to send the call processing instructions to the conference server (column 7, lines 22-33).

Regarding **claims 16, 19, 29 and 42**, Gardell discloses wherein the packet telephony client comprises a user interface adapted to receive call processing instructions from a subscriber and to send the call processing instructions to an application server, wherein said application server is in communication with the IP network (column 7, lines 22-33).

Regarding **claim 18**, Gardell discloses a real-time voicemail monitoring and call control over the Internet (column 1, lines 27-30), (which reads on claimed "a system allowing a subscriber to monitor a caller's recording to a network-based voice messaging service"), said system comprising:

a first switch serving (80 on FIG. 2) a subscriber's telephone line (column 4, lines 31-43) [The LEC switch is configured to forward incoming call to the subscriber];

a first media gateway (70 on FIG. 2) adapted for voice communication with the first switch (column 4, lines 31-43) [The LEC switch is configured to forward incoming call to the gateway];

an application server (217 on FIG. 4A) comprising a presence database (column 5, line 66 "authenticates" a database is inherent to authenticate the subscriber), said presence database comprising subscriber registration information (column 5, line 64 to column 6, line 10) [The radius server authenticates the subscriber's password and send a response to the gateway]; and

a packet telephony client (310 on FIG. 5) adapted for voice communication with the conference server, said packet telephony client associated with the subscriber (column 7, lines 22-33), wherein when a call (column 4, line 40 "a call") from the caller to the subscriber is to be redirected to the network-based voice messaging service (column 4, lines 31-43), the first switch sets up a voice path (column 4, line 35 "forward calls") to the first media gateway and the first media gateway sends a first message (column 5, line 65 "AUTHREQ signal") to the application server, and wherein in response to the first message, the application server checks the presence database to identify the subscriber's registration information (column 5, line 66 "authenticates"), and wherein the application server sends a second message (column 6, line 1 "AUTHRESP signal"), said second message comprising registration information associated with the subscriber (column 6, lines 2-10), and wherein in response to the second message, the

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conference server sets up a voice path (column 7, line 25 "a three-party call") to the first media gateway, the packet telephony client and the second media gateway, and wherein the second media gateway sets up a voice path to the voice messaging server (column 7, lines 22-33) [The voice mail intercept service terminal creates a three-party call among the calling party, the called party and the voice mail service terminal].

Gardell fails to disclose a second switch, a second media gateway, and a conference server.

However Girard teaches a second switch (2 on FIG. 1) serving the network-based voice messaging service (§ 0046);

a second media gateway (3 on FIG. 1) adapted for voice communication with the second switch (§ 0058);

a conference server (1 on FIG. 1) adapted for voice communication with the first and second switches (§ 0026) [The telephony application server has a network element to allow it to connect to an IP network and able to run more than one telephony application programs].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the software switch, the media gateway and the telephony server of Girard in the invention of Gardell.

The modification of the invention would offer the capability of multiple telephone application such as the system would have telephony service interface to software switch control.

Regarding **claims 20, 30 and 41**, Gardell discloses wherein the packet telephony client comprises a user interface adapted to receive call processing instructions from the subscriber and to send the call processing instructions to the conference server (column 7, lines 22-33).

Regarding **claim 22**, Gardell discloses wherein the first switch and the second switch comprise the same switch (80 on FIG. 2).

Regarding **claims 23 and 35**, Gardell discloses wherein the inbound media gateway and the outbound media gateway comprise the same media gateway (70 on FIG. 2).

Regarding **claims 24 and 60**, Gardell discloses wherein when the application server receives a message from the packet telephony client, wherein said message includes an instruction to allow the subscriber to speak to the caller, the application server instructs the conference server to remove the voice path from the conference server to the network-based voice messaging server (column 7, lines 22-33).

Regarding **claims 25, 59 and 61**, Gardell discloses wherein the packet telephony client is adapted to transmit data packets comprising audible communications only after an instruction to answer the call is received on the packet telephony client (column 7, lines 22-33).

Regarding **claim 26**, Gardell discloses wherein the conference server is adapted to transmit data packets comprising audible communications received from the packet telephony client only after the instruction to allow the subscriber to speak to the caller is received from the application server (column 7, lines 22-33).

Regarding **claim 27**, Gardell discloses wherein when the application server receives a message from the packet telephony client, wherein said message includes an instruction to allow the subscriber to speak to the caller from a specified telephone, the application server instructs the conference server to remove the voice path from the conference server to the network-based voice messaging serve to set up a voice path from the conference server to the specified telephone (column 7, lines 22-33).

Regarding **claim 28**, Gardell discloses a real-time voicemail monitoring and call control over the Internet (column 1, lines 27-30), (which reads on claimed "a method of monitoring a caller's recording to a network-based voice messaging service"), said method comprising:

receiving a call (column 4, line 40 "a call") from the caller to the subscriber on a first switch (80 on FIG. 2), said call to be redirected to the network-based voice messaging service (column 7, lines 9-18) [The call control service entity first routes the call to the voice mail intercept service terminal];

setting up a voice path (column 4, line 35 "forward calls") from the first switch to a first media gateway (column 4, lines 31-43) [The LEC switch is configured to forward calls to a specific port on the gateway];

sending a first message (column 5, line 65 "AUTHREQ signal") from the first media gateway to an application server (column 5, lines 64-66) [The gateway transmits a signal to a radius server];

checking a presence database (column 5, line 66 "authenticates" a database is inherent to authenticate the subscriber) on the application server to identify registration information associated with the subscriber (column 5, line 66 to column 6, line 2) [The radius server uses its database to authenticate the subscriber];

sending a second message (column 6, line 1 "AUTHRESP signal") from the application server, said second message comprising registration information associated with the subscriber (column 6, lines 2-10) [The gateway receives the information from the radius server to proceed with the call];

setting up voice paths (column 7, line 25 "a three-party call") from the server to the first media gateway, a packet telephony client (310 on FIG. 5) and (column 7, lines 22-33) [The voice mail intercept service terminal creates a three-party call among the endpoint A, the endpoint B and the voicemail service terminal]; and

setting up a voice path (column 7, line 29 "a bi-directional path") from the media gateway to the voice messaging server (column 7, lines 22-33) [After listening for a while the user may choose to take the call the path is created between the user and the voicemail].

Gardell fails to disclose a conference server and a second media gateway.

However, Girard teaches a conference server (1 on FIG. 1); and  
a second media gateway (3 on FIG. 1).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the media gateway and the telephony server of Girard in the invention of Gardell.

The modification of the invention would offer the capability of multiple telephone application such as the system would have telephony service interface to software switch control.

Regarding **claim 32**, Gardell discloses wherein the step of sending a first message from the first media gateway to an application server comprises sending a first data message from the first media gateway to a call agent (column 6, lines 2-10); and  
sending a second data message from the call agent to the application server,  
wherein said second data message includes at least a portion of the first data message (column 6, lines 15-21).

Regarding **claim 33**, Gardell discloses wherein the step of sending a second message from the application server to the conference server comprises sending a first data message from the application server to a call agent (column 6, lines 2-10); and

sending a second data message from the call agent to the conference server, wherein said second data message includes at least a portion of the first data message (column 6, lines 15-21).

Regarding **claim 34**, Gardell discloses a real-time voicemail monitoring and call control over the Internet (column 1, lines 27-30), (which reads on claimed “a method allowing a subscriber to monitor a caller's recording to a voice messaging service, said voice messaging service being based in a telephony network”), said method comprising:

routing the caller's call from the telephony network to an inbound media gateway (70 on FIG. 2), said inbound media gateway adapted to interface the telephony network with a packet-switched data network (column 4, lines 31-43) [The LEC forwards calls to a specific port of the gateway];

sending, in response to the call received at inbound media gateway (70 on FIG. 2), a first message (column 4, line 38 “an admission request”) from the inbound media gateway to a call agent (120 on FIG. 2), wherein first message including at least a called party number (column 4, line 40 “a call signaling address to be located”), and wherein said call agent is adapted to provide call processing instructions in the packet-switched data network (column 4, lines 31-43) [The gateway sends an admission request to a first gatekeeper to gain permission for the call];

sending a first instruction (column 7, line 16 “first routes the call”) from the call agent to the server and the inbound media gateway to connect the call to a conference



resource (340 on FIG. 5) on the server (column 7, lines 9-18) [The CCSE first routes the call to the voice mail intercept service terminal];

sending a second instruction from the call agent to the conference server to connect a second call (column 7, line 25 “creates a three-party call”) to the voice messaging service, said second call being routed through an outbound media gateway (column 7, lines 22-33) [The voice mail intercept service terminal creates a three-party call based on the user selection to monitor the call];

sending a second message from the call agent to an application server (column 7, lines 35-49) [The LEC issues a signal setup to the gateway];

said second message including at least the called party number (column 7, lines 35-49) [The LEC issues a signal setup to the gateway, the signal contains the addressing signal for the called party];

sending, in response the second message, a third message from the application server to the call agent, said third message including at least a network address associated with the packet-switched telephony client (column 7, lines 50-60) [The gatekeeper generates a location request signal to determine the address for the second telephone device]; and

sending, in response to the third message, a third instruction (column 8, line 1 “a call proceeding”) from the call agent to the server to connect the conference resource to the packet-switched telephony client and a fourth message (column 8, line 4 “a ARQ signal”) from the call agent to the packet telephony client, said fourth message including

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a notification related to the call (column 8, lines 1-17) [The CCSE generates a call proceeding signal to the gateway to indicate the call connection].

Gardell fails to disclose a conference server.

However Girard teaches a conference server (1 on FIG. 1) (§ 0026) [The telephony application server has a network element to allow it to connect to an IP network and able to run more than one telephony application programs].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the telephony server of Girard in the invention of Gardell.

The modification of the invention would offer the capability of multiple telephone application such as the system would have telephony service interface to software switch control.

Regarding **claim 37**, Gardell discloses packet-switched data network comprises the Internet (column 4, lines 8-30).

Regarding **claim 38**, Gardell discloses a real-time voicemail monitoring and call control over the Internet (column 1, lines 27-30), (which reads on claimed "a system allowing a subscriber to monitor a caller's recording to a voice messaging service based in a telephony network"), said system comprising:

an inbound media gateway (70 on FIG. 2), said media gateway adapted to interface voice calls between the telephony network and a packet-switched data

network (column 4, lines 31-43) [The gateway under certain situations send a request to gain permission for the call];

a call agent (120 on FIG. 2) in the packet-switched data network adapted to provide call processing for voice calls transmitted via the packet-switched data network (column 4, lines 44-50) [The gatekeeper generates a location confirmation to be sent];

a server (340 on FIG. 5) adapted to provide a conference call (column 7, line 25 “a three-party call”) between the inbound and outbound media gateways and a packet-switched telephony client (310 on FIG. 5) associated with the subscriber, (column 7, lines 22-33) [The voice mail intercept service terminal creates a three-way call party among end points and the voice mail service terminal]; and

an application server (217 on FIG. FIG. 4A) in the packet-switched data network, said application server adapted to provide subscriber information to the call agent (column 5, lines 64-67) [The radius server authenticates the subscriber by checking the password];

wherein when the caller's call is to be routed to the network-based voice messaging service by the telephony network (column 4, lines 31-43), the call is connected to the inbound media gateway (column 4, lines 31-43), and wherein in response to the call, the inbound media gateway sends a first message (column 4, line 38 “admission request”) to the call agent, said first message including at least a called party number (column 4, line 40 “a call signaling address”), and wherein the call agent instructs the conference server and the inbound media gateway to connect the call to a conference resource (350 on FIG. 5) on the conference server (column 7, lines 22-33),

and wherein the call agent further instructs the conference server to connect a second call (column 7, line 29 “a bi-directional path”) to the conference resource, said second call being routed through the outbound media gateway to the voice messaging service (column 7, lines 22-33), and wherein the call agent sends a second message (column 7, lines 50-51 “a location request signal”) to the application server (column 7, lines 50-60) [The gateway keeper generates a location request signal];

said second message including at least the called party number (column 7, lines 50-60), and wherein in response the second message, the application server sends a third message (column 7, line 57 “a location confirmation”) to the call agent, said third message including the subscriber information (column 7, lines 50-60), and wherein in response to the third message, the call agent instructs the conference server to connect the conference resource to the packet-switched telephony client and the call agent sends a fourth message (column 8, line 4 “a ARQ signal”) to the packet telephony client, said fourth message including a notification related to the call (column 8, lines 1-17) [The CCSE generates a call proceeding signal to the gateway to indicate the call connection].

Gardell fails to disclose a conference server and an outbound media gateway.

However Girard teaches a conference server (1 on FIG. 1) said conference server and said packet-switched telephony client are in the packet-switched data network (¶ 0026) [The telephony application server has a network element to allow it to connect to an IP network and able to run more than one telephony application programs]; and

an outbound media gateway (3 on FIG. 1).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the telephony server and the media gateway of Girard in the invention of Gardell.

The modification of the invention would offer the capability of multiple telephone application such as the system would have telephony service interface to software switch control.

Regarding **claim 39**, Gardell discloses wherein the subscriber information includes at least a network address associated with the packet-switched telephony client (column 6, lines 2-10).

Regarding **claim 40**, Gardell discloses wherein the packet-switched telephony client comprises a user interface adapted to receive instructions from the subscriber and to send the instructions to the call agent (column 7, lines 22-33).

Regarding **claim 47**, Gardell discloses a real-time voicemail monitoring and call control over the Internet (column 1, lines 27-30), (which reads on claimed "a system allowing a subscriber to monitor a caller's recording to a voice messaging service in a telephony network"), said system comprising:

means for connecting a call path (column 6, line 4 "the call") from the caller to the voice messaging server (250 on FIG. 4A), wherein said call path includes a media

gateway (170 on FIG. 4A), wherein said media gateway interfaces the telephony network to a packet-switched data network (column 6, lines 2-10) [The gateway obtains the permission for the call to the voice mail service terminal];

means for joining a telephony client system (310 on FIG. 5) to the call path through the conference server, wherein said telephony client is in the packet-switched data network (column 7, lines 22 –33) [The voice mail interpret service terminal creates a three-way call party among the end points and the voice mail terminal]; and

means for preventing the caller from hearing voice transmission from the subscriber(column 7, lines 22 –33) [The voice mail interpret service terminal creates a three-way call party wherein one of the media paths is unidirectional].

Gardell fails to disclose a conference server.

However Girard teaches means for joining a conference server (1 on FIG. 1) to the call path, wherein said conference server is in the packet-switched data network (¶ 0026) [The telephony application server has a network element to allow it to connect to an IP network and able to run more than one telephony application programs].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the telephony server of Girard in the invention of Gardell.

The modification of the invention would offer the capability of multiple telephone application such as the system would have telephony service interface to software switch control.

Regarding **claim 48**, Gardell discloses means for allowing the caller to hear voice transmission from the subscriber if the subscriber sends an instruction to answer the call (column 7, lines 22-33).

Regarding **claim 49**, Gardell discloses means for dropping the voice messaging service (column 7, lines 22-33).

Regarding **claim 50**, Gardell discloses means for joining a specified telephone to the call path through the conference server if the subscriber sends an instruction to answer the call, wherein said instruction identifies the specified telephone (column 7, lines 22-33).

Regarding **claim 51**, Gardell discloses wherein the instruction further identifies a telephone number for the specified telephone (column 6, lines 2-10).

Regarding **claim 52**, Gardell discloses a real-time voicemail monitoring and call control over the Internet (column 1, lines 27-30), (which reads on claimed "a method of allowing a subscriber to monitor a caller's recording to a voice messaging server, said voice messaging server being in a circuit-switched telephony network"), said method comprising:

detecting a call (column 4, line 32 "attempts to contact") at a switch (80 on FIG. 2) serving the subscriber (column 4, lines 31-43) [The LEC is configured to forward calls placed to the second device];

routing the call from the switch to a media gateway (70 on FIG. 2), said media gateway adapted to provide an interface between the circuit-switched telephony network and a packet-switched data network (column 4, lines 31-43) [The LEC is configure to forward calls placed to the second device to a specific port on the gateway];

checking a database (122 on FIG. 2) for an availability of the subscriber on the packet-switched data network (column 4, lines 44-50) [The gatekeeper generates a location confirmation upon determining that the called telephone is available]; and

establishing a conference call (column 7, line 25 "a three-party call") and said conference call connecting the caller's call from the media gateway to the network-based voice messaging service and connecting the caller's call to a packet-switched telephony client (310 on FIG. 5), if the subscriber is available on the packet-switched data network (column 7, lines 22-33) [The voice mail interpret service terminal creates a three-way call party among the end points and the voice mail terminal].

Gardell fails to disclose a conference server.

However Girard teaches a conference server (1 on FIG. 1), said conference server being in the packet-switched data network (§ 0026) [The telephony application server has a network element to allow it to connect to an IP network and able to run more than one telephony application programs].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the telephony server of Girard in the invention of Gardell.



The modification of the invention would offer the capability of multiple telephone application such as the system would have telephony service interface to software switch control.

Regarding **claim 53**, discloses connecting the caller's call from the media gateway to the network-based voice messaging service, if the subscriber is not available on the packet-switched data network.

Regarding **claim 63**, Gardell discloses wherein the circuit-switched telephony network is a public switched telephone network (column 4, lines 1-7).

### ***Response to Arguments***

4. Applicant's arguments with respect to **claims 1-63** have been considered but are moot in view of the new ground(s) of rejection.

**Conclusion**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4800.

  
g.g.

January 12, 2004

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